

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**JODI S. WALSER,**

**Plaintiff,**

**v.**

**LIFE INSURANCE COMPANY  
OF NORTH AMERICA, et al.,**

**Defendants.**

**Case No. 2:15-cv-2637**

**JUDGE GREGORY L. FROST**

**Magistrate Judge Terence P. Kemp**

**ORDER**

Before the Court is Plaintiff's Notice of Voluntary Dismissal of Defendant Cigna Corporation ("Notice," ECF No. 4), in which Plaintiff purports to dismiss one defendant from this action pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i). A party cannot, however, use Rule 41(a)(1)(A)(i) to dismiss less than the entirety of an action. *See Crozin v. Crown Appraisal Group, Inc.*, Nos. 2:10-cv-581, 2:10-cv-764, 2012 U.S. Dist. LEXIS 876, at \*4-\*5 (S.D. Ohio Jan. 4, 2012) (citing *Letherer v. Alger Group, L.L.C.*, 328 F.3d 262, 265-66 (6th Cir. 2003), recognized as overruled on other grounds in *Blackburn v. Oaktree Capital Mgmt., LLC*, 511 F.3d 633, 636 (6th Cir. 2008)); *Coleman v. Ohio State Univ. Med. Ctr.*, No. 2:11-cv-49, 2011 U.S. Dist. LEXIS 83813, at \*6 (S.D. Ohio Aug. 1, 2011).

Rule 15(a) permits a party to amend its pleadings by leave of court, which "shall be freely given when justice so requires." Fed. R. Civ. P. 15(a)(2). Rule 21 permits a court, on motion or on its own, to add or drop a party on just terms at any time. Fed. R. Civ. P. 21. Recognizing that filings are to be construed by their substantive content and not by their labels,

the Court will construe Plaintiff's Notice as a motion to amend her Complaint under Rule 15 or as a motion to drop parties under Rule 21. The Court **GRANTS** the motion and **DISMISSES WITHOUT PREJUDICE** all claims against Defendant Cigna Corporation.

**IT IS SO ORDERED.**

/s/ Gregory L. Frost  
GREGORY L. FROST  
UNITED STATES DISTRICT JUDGE